

K1008/20454
Customer No. 03000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
PATENT EXAMINING OPERATION

Applicants	:	John E. Nash et al.
Serial No.	:	10/763,558
Confirmation No.	:	7507
Filed	:	January 23, 2004
For	:	SYSTEMS AND METHODS FOR DELIVERING AGENTS INTO TARGETED TISSUE OF A LIVING BEING
Group	:	3767
Examiner	:	Catherine Witczak

**RESPONSE TO RESTRICTION REQUIREMENT AND
ELECTION OF SPECIES**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Response to Restriction Requirement and Election of Species is responsive to the Office Action dated June 1, 2006 requiring Applicant to elect to prosecute claims drawn to the one embodiment of each of the following species:

A: Method

AI: Affecting conduction of electrical signals;

AII: Affecting conduction of nerve signals;

AIII: Vascularizing cardiac tissue.

B: Formation of Channels

BI: By application of energy;

BII: By application of biologically active material.

Applicant was advised that it is required under 35 U.S.C. 121 to elect a single disclosed species (XI or XII or XIII, etc.) from EACH of the two groups (A and B) (i.e. AIBI or AIBII or AIIBI or AIIBII, etc.) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. The Office Action of June 1, 2006 asserted that, currently, none are generic.

Applicant hereby elects the following species:

A: Method (AIII) Vascularizing cardiac tissue;

B: Formation of Channels (BII) By application of biologically active material;

Applicant submits that Claims 21 and 23 read on the elected species, and respectfully requests that such claims be examined. Claims 1-20 and 22 are held withdrawn from further consideration.

This election is made without traverse.

It is respectfully submitted that the aforementioned elected claims in this application are allowable and such favorable action is respectfully requested.

Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,
COHEN & POKOTILOW, LTD.,

June 21, 2006

By 

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Please charge or credit our Account
No. 03-0075 as necessary to effect
entry and/or ensure consideration of
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